

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE: EAST PALESTINE TRAIN DERAILMENT

CASE NO. 4:23-CV-00242-BYP
JUDGE BENITA Y. PEARSON

**NOTICE FROM PLAINTIFFS AND NORFOLK SOUTHERN OF
SETTLEMENT AGREEMENT IN PRINCIPLE AND
MOTION TO STAY DEADLINES AS TO PLAINTIFFS' CONSOLIDATED CASE**

1. Plaintiffs and Norfolk Southern Railway Company and Norfolk Southern Corporation (“Norfolk Southern”) are pleased to report they have reached an agreement in principle to resolve this putative class action lawsuit, including all consolidated cases before this Court, against Norfolk Southern and the Railcar Defendants (GATX Corporation, General American Marks Company, OxyVinyls LP, and Trinity Industries Leasing Company). Subject to this Court’s approval, this \$600 million settlement would resolve all class action claims within a 20-mile radius from the derailment and, for those residents who choose to participate, personal injury claims within a 10-mile radius from the derailment. It follows extensive fact discovery, expert development, and three days of mediation before former federal district judge Layn Phillips.

2. In light of this agreement in principle, Plaintiffs and Norfolk Southern jointly move the Court to stay all obligations and deadlines as to the Plaintiffs’ consolidated case (all individual or putative class action complaints filed in this Court that have been, or are in the future, consolidated into the above-captioned action) against Norfolk Southern and the Plaintiffs’ consolidated case against the Railcar Defendants, including all such obligations and deadlines set forth in the Case Management Conference Order and Plan (ECF No. 98), as amended (ECF No.

432), pending the filing of preliminary and final approval papers. Plaintiffs expect to file the motion for preliminary approval no later than April 19.

3. This agreement in principle does not resolve, and expressly preserves, Norfolk Southern's third-party claims against the Railcar Defendants. Accordingly, neither Plaintiffs nor Norfolk Southern seeks any modification of any obligations or deadlines with respect to the Third-Party Complaint (ECF No. 119), including any obligations or deadlines set forth in the Case Management Conference Order and Plan, as amended, with respect to the Third-Party Complaint.

Dated: April 9, 2024

Counsel for Plaintiffs

/s/ Seth A. Katz

Seth A. Katz (pro hac vice)

**BURG SIMPSON ELDREDGE
HERSH & JARDINE, P.C.**

40 Inverness Drive East
Englewood, CO 80112
303-792-5595
303-708-0527 (fax)
skatz@burgsimpson.com

M. Elizabeth Graham (pro hac vice)

GRANT & EISENHOFER P.A.

123 S. Justison Street, 6th Floor
Wilmington, DE 19801
303-622-7000
303-622-7100 (fax)
egraham@gelaw.com

Jayne Conroy (pro hac vice)

SIMMONS HANLY CONROY

112 Madison Avenue, 7th Floor New York,
NY 10016
212-784-6400
212-213-5949 (fax)
jconroy@simmonsfirm.com

*Counsel for Norfolk Southern Railway
Company and Norfolk Southern Corporation*

/s/ Alan Schoenfeld

**WILMER CUTLER PICKERING
HALE AND DORR LLP**

Alan Schoenfeld (pro hac vice)
7 World Trade Center
250 Greenwich Street
New York, NY 10007
(212) 230-8800
alan.schoenfeld@wilmerhale.com

Albinas Prizgintas (pro hac vice)

2100 Pennsylvania Avenue NW
Washington, DC 20036
(202) 663-6000
albinas.prizgintas@wilmerhale.com

Michael Morgan (pro hac vice)
MORGAN & MORGAN
20 North Orange Ave., Suite 1600
Orlando, FL 32801
407-420-1414
407-245-3389 (fax)
mmorgan@forthepeople.com

CERTIFICATE OF SERVICE

I hereby certify that on April 9, 2024, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's system.

/s/ Alan Schoenfeld
Alan Schoenfeld